

Title 6

ANIMALS

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Chapter 6.04

ANIMAL CONTROL REGULATIONS

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6.04.010 General provisions.

A. This Chapter shall be applicable to all property within the City, and to City owned park property located outside of the City limits.

B. For purposes of this Chapter, "custodian" shall mean any person possessing, harboring, keeping or exercising control over any animal.

C. The City Manager may issue such regulations as may be necessary for the enforcement, administration and interpretation of this Chapter, and any amendment thereto.

D. For purposes of this Chapter, "City" shall mean the City of Delta, Colorado, and any agent or employee thereof authorized by the City Manager to administer or enforce the provisions of this Chapter.

E. For the purposes of this Chapter, "animal" shall mean any mammal, bird or reptile. (Ord. 6 §1, 1996)

6.04.020 Rabies control.

A. Vaccinations: It shall be unlawful to own or have custody of any dog six (6) months of age or cat six (6) months of age or older, unless such dog or cat has been vaccinated against rabies with an approved vaccine by a licensed veterinarian and such vaccination is currently effective. No rabies vaccination is required for a dog or cat temporarily within the City for less than thirty (30) days if said dog or cat is currently licensed by another governmental licensing authority or such dog or cat has a current rabies vaccination.

B. The rabies vaccination and tag required by this Section must be obtained within five (5) days of the acquisition of any dog over six (6) or cat over six (6) months old.

C. Certificate of Vaccination: The veterinarian administering the vaccine shall execute and furnish to the owner or custodian of the animal a certificate of vaccination, keeping a duplicate copy for his files. Forms for such certificates shall be provided by the City and require information appropriate for the administration and enforcement of this Chapter, including the description of the animal.

D. Certificates of vaccination issued shall be good for twelve (12) months and must be reissued annually.

E. Proof of Vaccination: It shall be unlawful for any person who owns or has custody of any dog or cat to fail or refuse to produce the certificate of vaccination upon request by any person charged with the enforcement of this Chapter.

F. All dogs shall have a collar or harness to which the required rabies tag shall be attached.

G. It shall be unlawful for any person to make use of, or have in his possession or under his control, a stolen, counterfeit or forged rabies tag or rabies vaccination certificate.

H. Vaccination certificates and tags are not transferable and it shall be unlawful for any person to attach any rabies tag to any animal other than the animal for which such tag was originally issued.

I. It is unlawful to make any fraudulent statement or misrepresentation with respect to any rabies vaccination application. (Ord. 6 §1, 1996)

6.04.030 License required.

A. All dogs and cats kept within the City which are required to have a rabies vaccination pursuant to subsection 6.04.020(A) shall be licensed.

B. Applications for licenses shall be submitted on forms provided by the City, and must be accompanied by proof of current rabies vaccination and a \$5.00 license fee.

C. Licenses issued by the City shall be valid for the life of the animal.

D. License tags shall be attached to a collar or harness of the dog. Lost tags may be replaced for a fee of \$5.00.

E. It shall be unlawful for any person to make use of, or have in his possession or under his control, a stolen, counterfeit or forged license tag.

F. License tags are not transferable and it shall be unlawful for any person to attach any license tag to any animal other than the animal for which such tag was originally issued.

G. It is unlawful to make any fraudulent statement or misrepresentation with respect to any license application. (Ord. 6 §1, 1996)

6.04.040 Animal attacks.

A. Anyone, including physicians, having knowledge of any case of an attack or bite caused by any dog, cat or other animal occurring within the Delta City limits shall notify the City as soon as possible.

B. Any dog, cat or other animal which is known to have bitten or injured any person, causing an abrasion or cut of the skin shall be quarantined for a period of not less than ten (10) days from the date of the incident. It is unlawful for any person to refuse to produce such an animal for quarantine.

C. The animal shall be quarantined and observed at either the owner or custodian's premises or at any veterinarian clinic or hospital of the owner or custodian's choice, whichever the City determines is necessary for proper observation. Such confinement shall be at the expense of the owner or custodian. Stray animals whose owners cannot be located may be confined at any veterinary clinic or hospital.

D. The owner or custodian of the dog, cat or other animal shall be liable for the costs of confinement and the animal shall not be returned until such costs are paid. The animal may be sold or destroyed if such costs are not paid by the owners or custodian and the City may recover such costs in any lawful manner.

E. Any animal infected with rabies shall be destroyed.
(Ord. 6 §1, 1996)

6.04.050 Limit on dogs and cats.

A. It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or other premises, other than a veterinary hospital, more than four (4) dogs and cats over the age of three (3) months, in the aggregate in any combination. Provided, however, animals in excess of this limit lawfully kept upon a premises at the time of annexation to the City may continue to be kept if all animals on the premises are licensed with the City within 30 days of annexation. Such excess animals cannot be replaced upon death or other disposition. Provided further, however, within the A-1 Zoning District, and on lawful, but nonconforming farms and ranches, at least 10 acres in size, it is lawful to keep additional working dogs which are used in conjunction with farming and ranching activities such as herding and guarding livestock.

B. Dog kennels, breeding kennels, veterinary hospitals, boarding kennels, catteries or any similar such facilities, which keep more animals than allowed in Subsection A above are prohibited within the City except if any required State license is in effect, and the facility is lawfully located pursuant to City zoning regulations. (Ord. 6 §1, 1996; Ord. 31, §9, 2000; Ord. 2, §1, 2002; Ord. 9, §1, 2004)

6.04.060 Revocation or suspension of license or tags. The City Council may revoke or suspend any license or tags issued in accordance with the provisions of this Chapter upon a finding that the licensee has violated any provision of this Chapter. A hearing shall be held and reasonable notice given of the hearing to the licensee or custodian. (Ord. 6 \$1, 1996)

6.04.070 Running at large prohibited.

A. It shall be unlawful for any owner or custodian of any animal to fail to have the animal under effective and immediate control of the owner or custodian by a leash, cord, chain or other restraining device at all times that such animal is within the City, unless the animal is upon the premises of said owner or custodian.

B. Any animal in violation of subsection (A) above may be impounded or caused to be impounded by the City. It shall be unlawful for the owner of an impounded animal to fail to reclaim it and pay all applicable charges.

C. A list of all impounded animals shall be posted in the City Clerk's office.

D. The owner or a custodian of any animal so impounded may reclaim it within three (3) working days from the date the notice is posted with the City Clerk upon payment of an impounding fee plus a daily fee for care and feeding per day impounded, which fee shall be set by City Council, plus any veterinary charges. No unlicensed dog or cat will be released to the owner or custodian without his obtaining a license if one is required by this Chapter and obtaining any required rabies vaccinations.

E. The City shall keep all animals so impounded for a period of three (3) working days from the date the notice is posted unless sooner reclaimed by the owner. If at the expiration of said period, the owner or custodian has not reclaimed the animal, it may be destroyed or disposed of by sale. Any purchaser shall pay all charges imposed by this Chapter. No unclaimed dog or cat shall be adopted without being vaccinated for rabies and licensed, if required. (Ord. 6 \$1, 1996)

6.04.080 Releasing restrained animals prohibited.

A. It shall be unlawful for any person to release any animal impounded or quarantined pursuant to this Chapter without permission of the City.

B. It shall be unlawful for any person to set any animal free of any restraint or confinement without consent of the owner or custodian. (Ord. 6 §1, 1996)

6.04.090 Vicious animals.

A. It shall be unlawful for the owner or custodian of any vicious animal to fail to confine it within a building or secure enclosure or to fail to have it securely muzzled or caged and on a leash or other restraining device, capable of providing effective and positive restraint and control of the animal, whenever off the premises of the owner or custodian.

B. A vicious animal is any animal that the owner or custodian knows or reasonably should have known has inflicted an unprovoked bite or attack upon any person or any other animal, which is trained to attack persons or animals, or which is known to have dangerous propensities, such as wolves or wolf-hybrids.

C. The owner or custodian of a vicious animal shall post a warning of the presence of such animal at the entrances to the building or enclosure in which the animal is kept. (Ord. 6 §1, 1996)

6.04.100 Cruelty to animals.

A. It shall be unlawful for any person owning or having custody of any animal to fail to provide any animal with adequate food, water, shelter and veterinary care when reasonably required.

B. It shall be unlawful for any person to beat, cruelly ill-treat, poison, overload, overwork or otherwise abuse any animal, or cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans, or destroy any animal belonging to another.

C. It shall be unlawful for the owner or custodian of any animal to abandon such animal. (Ord. 6 §1, 1996)

6.04.110 Nuisance.

A. Any animal which produces or creates any unreasonable disturbance by excessive or continuing screeching, barking or other noise, or which on more than one occasion, chases

vehicles, attacks other animals, damages property, is at large without control, or is otherwise in violation of the provisions of this Chapter, is hereby declared to be a nuisance.

B. It is unlawful for the owner or custodian of any animal to allow it to become a nuisance, or to create a nuisance.

C. The City may abate any such nuisance by an action in a court of proper jurisdiction or otherwise in accordance with law. (Ord. 6 §1, 1996)

6.04.120 Female animals in heat. Any female dog or cat in heat shall be confined in a building or secure enclosure adequate to prevent indiscriminate contact with any male dogs or cats. (Ord. 6 §1, 1996)

6.04.130 Police dogs.

A. Police dogs, while on duty, or under authorized training with or for the Delta Police Department or any other law enforcement agencies shall not be subject to the provisions of Sections 6.04.040, 6.04.070, 6.04.090, 6.04.110 or 6.04.120.

B. It shall be unlawful for any person to hit, kick, strike, beat, injure, disable or kill any police dog on duty or under training, or to tease or torment any police dog in a manner likely to provoke a violent response or to interfere with the use of such police dog which such dog is being used by the Delta Police Department or other law enforcement agency for law enforcement duties or while under training. (Ord. 6 §1, 1996)

6.04.140 Pen requirements. No pen, kennel, dog run or similar structure shall be located within 15 feet of any property lines except lawful kennels, pens or runs existing as of February 1, 1996 or annexed subsequent thereto. All pens, kennels, dog runs and similar structures shall comply with the maintenance standards of Section 6.12.030. (Ord. 6 §1, 1996)

6.04.150 Enforcement.

A. It shall be unlawful to violate any provision of this Chapter.

B. Continuing violations of this Chapter are declared to be a nuisance.

C. The City may cause the destruction of any animal when it is injured or diseased, or when reasonably required to

protect persons, property or other animals, or when an animal cannot be safely impounded. The Municipal Judge may, as a condition of any plea bargain or sentence, order the destruction of any animal which has attacked any person, or any animal when necessary to protect the public peace, health, safety, or welfare.

D. The Municipal Judge may, as a condition of any sentence or plea bargain, enter orders as appropriate to abate any nuisance and require restitution. (Ord. 6 §1, 1996)

6.04.160 Pet store regulations.

A. No business or activity shall be established or conducted on property within the City limits which engages in the acquisition or raising of any type of animals for resale as domestic or household pets (whether known or referred to as a "pet store" or by any other name under which the essential functions of a pet sale business are conducted) except in compliance with the provisions of this Section 6.04.160.

B. No pet store or other pet sale business shall be opened or operated within the City except upon property located in a zoning district in which retail sales are permitted as a use by right or conditional use.

C. Animals kept by the owner of any pet store business shall, at all times, be kept or displayed only in pens or cages that 1) substantially conform as to size and materials with customs of the pet store industry for each respective animal species and that 2) are located exclusively within enclosed areas of the principal business building lawfully constructed on property within a permitted zoning district. No such animals may be temporarily or permanently kept in any type of garage, outbuilding, kennel, hutch, pen, cage or other structure located outside of or apart from the principal business building, whether or not such structure is enclosed or ancillary to the use of the principal building.

D. No animals of any kind or description that are commonly known to be wild or undomesticated shall be deemed authorized under this Section 6.04.160 for keeping or sale by any person or business within the City limits.

E. All provisions of Chapters 6.04, 6.12, and 8.24 of the Delta Municipal Code, pertaining to the general imposition and enforcement of animal controls and the general prohibition and abatement of nuisances, shall remain fully applicable to owners

of any pet store business that may be otherwise properly located in the City, with the exception of the individual pet license requirements and the maximum animal limits set forth in Sections 16.04.030, 6.04.050, and 6.12.020(A)(4) of said Code. (Ord. 3 S1, 2006)

6.04.170 Feral Cat Colony Management

A. The following definitions shall apply to this Section:

1. *Feral Cat* means any undomesticated variety of cat at for which no one claims ownership or rights of possession and which roams freely in a wild state in and about the Delta city limits.
2. *Feral Cat Colony* means any two or more feral cats which gather regularly at a food source.
3. *Feral Cat Caretaker* means any person who complies with the registration requirements of this Section and is otherwise dedicated to limiting interactions between feral cats and humans, and to controlling the growth of feral cat colonies through a humane process of feeding, trapping, neutering, vaccinating and returning the individual members of such a colony.
4. *Managed Feral Cat Colony* means a feral cat colony having one or more caretakers who maintain its health, sterility and separation from human populations.
5. *Ear Tipping*. The process of removing the top portion of a feral cats ear so as to identify and distinguish it as having been properly sterilized and vaccinated.

B. Any person who desires to be recognized as bona fide a feral cat caretaker shall register as such with the animal control division of the Delta Police Department and, upon so doing, shall be exempt from the animal control regulations of Chapter 6.04 of the Delta Municipal Code with regard to any feral cats and colonies that are being managed by such caretaker. After completing registration, each caretaker shall submit semi-annual written reports to Delta's animal control division which describe the approximate size, location and general description of each feral cat colony being managed and which recite date-specific events of sterilization, vaccination and control of each feral cat being managed. All feral cats that have been sterilized and vaccinated shall be so identified by its caretaker through the process of ear tipping.

C. The purpose of this Section is to enable a practical

alternative to indiscriminate destruction of free-roaming feral cats. It is nevertheless provided that nothing in this Section shall preclude or limit the destruction of any such cat that has become a public nuisance in the discretion of the animal control officer of the Delta Police Department or that has been ordered destroyed by the Delta Municipal Court. (Ord. 4, §1, 2009)